

IN RE: PETITION FOR ZONING VARIANCE
SE/2 Somerset Avenue, 389.78'
SW from Glen Arm Road
(12003 Somerset Avenue)
11th Election District
6th Councilmanic District
Bernard H. Maas, III, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-11-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a non-street setback of 33 feet in lieu of the required 50 feet for a proposed addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Bernard H. Maas, III, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 12003 Somerset Avenue, consists of .47 acres zoned R.C. 5 and is improved with a single family dwelling and detached garage. Petitioner testified he is desirous of constructing a two story addition on the side of the existing dwelling to provide more habitable space. Testimony indicated that the first floor will provide a living room, which does not exist in the present home, while the second floor will be used as storage space only. Mr. Maas indicated his construction plans include provisions for a full basement below the proposed addition. Testimony indicated that due to the layout of the existing dwelling and its location on the lot, the proposed site for the addition is the most practical. There are bedrooms existing on the other side of the dwelling. Mr. Maas testified he has spoken with his neighbors who have no objection to his plans. Testimony indicated the requested variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of August, 1989 that the Petition for Zoning Variance to permit a non-street setback of 33 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:hjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1204.3.3 To allow a non-street setback of 33' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. We need more living and storage space.
2. Economically more practical to add on than to move to a larger house.
3. To be discussed at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
Bernard H. Maas, III
(Type or Print Name)
Signature: Bernard H. Maas
Address: Frances C. Maas
(Type or Print Name)
City and State: Baltimore, Maryland
Attorney for Petitioner: 12003 Somerset Avenue 592-8224
(Type or Print Name) Phone No.
Address: Glen Arm, Maryland 21057
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of July, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/14/89
Posted for: Variance
Petitioner: Bernard H. Maas, III
Location of property: SE/2 Somerset Ave., 389.78' SW from Glen Arm Rd.
12003 Somerset Ave.
Location of Sign: 11th Election District - 6th Councilmanic District
Remarks: a.n. property of Baltimore
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Date: 7/16/89

Mr. & Mrs. Bernard H. Maas, III
12003 Somerset Avenue
Glen Arm, Maryland 21057

Re: Petition for Zoning Variance
CASE NUMBER: 90-11-A
SE/2 Somerset Avenue, 389.78' SW from Glen Arm Road
12003 Somerset Road
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Maas, III
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$99.86 is due for advertising and posting of the above referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THIS SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DATE OF THE HEARING.

Please make your check payable to: Room 113, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 7/26/89 ACCOUNT: R-01-615-000
AMOUNT: \$99.86
RECEIVED FROM: Bernard H. Maas
FOR: P.A. for 7/26/89 hearing # 90-11-A
VALIDATION OR SIGNATURE OF CASHIER
J. Robert Haines

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 29, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN

S. Zeke Orlan
Publisher

P013638
reg M30981
ca 890-11-A
price \$ 74.86

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-11-A
SE/2 Somerset Avenue, 389.78' SW from Glen Arm Road
12003 Somerset Road
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Maas, III
HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 9:30 a.m.

Variances To allow a non-street setback of 33 ft. in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Maas

This Deed, Made This

day of
in the year one thousand nine hundred and eighty-one by and between
ROLAND J. MAYS and JUDY E. MAYS (formerly known as Judy E. Atkinson),
his wife, GRANTORS, parties

of the first part, and
BERNARD H. MAAS, III and FRANCES C. MAAS, his wife, Grantees, parties
of the second part.

WITNESSETH, That in consideration of the sum of SIXTY FIVE THOUSAND DOLLARS (\$65,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,
the said GRANTORS

do grant and convey to the said GRANTEE, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs, in fee simple, all those lots of ground situate in Baltimore County, MARYLAND, and described as follows, that is to say:

BEGINNING FOR THE FIRST at a point located on the southeast side of Somerset Road 30 feet wide which point of beginning is 389.78 feet from the southwest corner of the intersection of Somerset Road and Glen Arm Road which point of beginning is marked by a pipe and running thence in a southeasterly direction along the southeast side of Somerset Road, South 45 degrees 15 minutes West 65 feet to a pipe located on the southeast side of said Somerset Road and running thence South 44 degrees 45 minutes East 128.6 feet to a pipe and running thence North 43 degrees 11 minutes East 65.05 feet to a pipe and running thence North 44 degrees 45 minutes West 126.37 feet to the place of beginning.

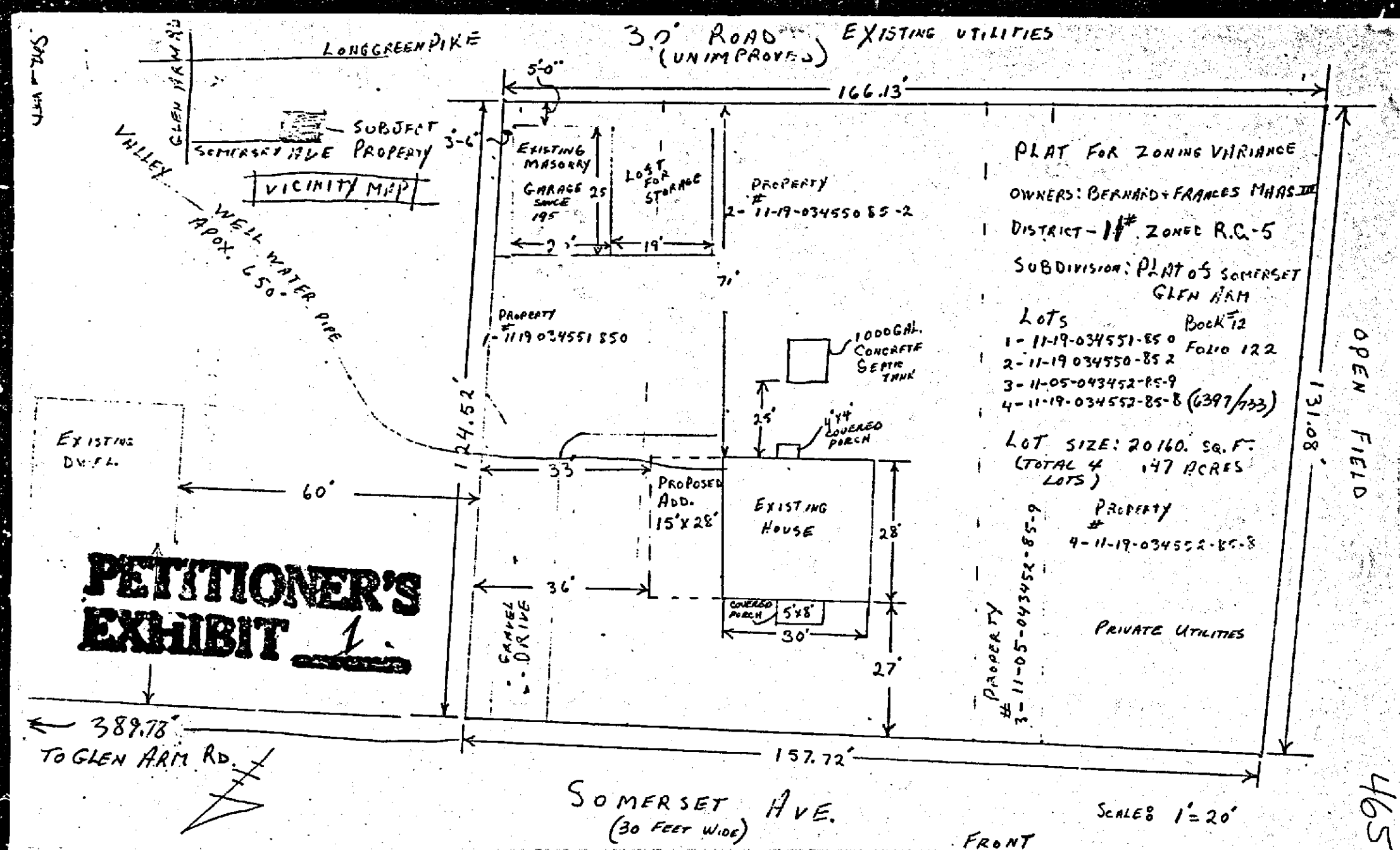
TOGETHER WITH, and especially the right to the use in common with others of a 30 foot road known as Somerset Road and a 30 feet road extending along the southeast side of the lot or parcel of land herein described and running in a northeasterly direction to the Glen Arm Road.

BEGINNING FOR THE SECOND at a point on the southeast side of Somerset Road distant 32.5 feet westerly from the northwest corner of a tract of land which by Deed dated April 1, 1953 and recorded among the Land Records of Baltimore County, in Liber GIB 2275, folio 477, was conveyed by F. X. Hooper Company, Incorporated, to Elmer G. Gilland Aubrey, et ux., which corner is distant South 45 degrees 09 minutes West 324.78 feet as measured along the southeast side of Somerset Road from the southwest corner of the intersection of Glen Arm Road and Somerset Road thence South 44 degrees 52 minutes East 125.24 feet to the northwest side of a 30 foot road, heretofore laid out adjacent to and northwest of the side of the parcel of land which by a Deed dated January 30, 1920 and recorded among the Land Records of Baltimore County, in Liber WPC 522,

in the year one thousand nine hundred and eighty-one by and between
ROLAND J. MAYS and JUDY E. MAYS (formerly known as Judy E. Atkinson),
his wife, GRANTORS, parties

PETITIONER(S) EXHIBIT (6)





July 24, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: Petition for Zoning Variance
Case Number: 90-11-A
SES Somerset Avenue, 389.78' SWly from Glen Arm Rd.
12003 Somerset Road - 6th Councilmanic
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Mass, III
Hearing Scheduled: Wednesday, July 26, 9:30 a.m.

Dear Sir:

In regard to the above mentioned petition for Zoning Variance, I am not opposed to the addition Mr. Mass is proposing to add onto his home. My house is within sight of the proposed addition, and I have no problems with its location on the above said property.

Sincerely yours,

David A. Dwyer
12009 Somerset Ave.
Glen Arm, MD 21057
Telephone No. 691-7548

PETITIONER'S EXHIBIT 2

July 24, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: Petition for Zoning Variance
Case Number: 90-11-A
SES Somerset Avenue, 389.78' SWly from Glen Arm Rd.
12003 Somerset Road - 6th Councilmanic
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Mass, III
Hearing Scheduled: Wednesday, July 26, 9:30 a.m.

Dear Sir:

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Sincerely yours,

David A. Dwyer
12009 Somerset Ave.
Glen Arm, MD 21057
Telephone No. 691-7548

PETITIONER'S EXHIBIT 3

July 24, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: Petition for Zoning Variance
Case Number: 90-11-A
SES Somerset Avenue, 389.78' SWly from Glen Arm Rd.
12003 Somerset Road - 6th Councilmanic
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Mass, III
Hearing Scheduled: Wednesday, July 26, 9:30 a.m.

Dear Sir:

In regard to the above mentioned Petition for Zoning Variance, I am not opposed to the addition Mr. Mass is proposing to add onto his home. My house is within sight of the proposed addition, and I have no problems with its location on the above said property.

Sincerely yours,

David A. Dwyer
12009 Somerset Ave.
Glen Arm, MD 21057
Telephone No. 691-7548

PETITIONER'S EXHIBIT 4

July 24, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

Re: Petition for Zoning Variance
Case Number: 90-11-A
SES Somerset Avenue, 389.78' SWly from Glen Arm Rd.
12003 Somerset Road - 6th Councilmanic
11th Election District - 6th Councilmanic
Petitioner(s): Bernard H. Mass, III
Hearing Scheduled: Wednesday, July 26, 9:30 a.m.

Dear Sir:

In regard to the above mentioned Petition for Zoning Variance, I am not opposed to the addition Mr. Mass is proposing to add onto his home. My house is within sight of the proposed addition, and I have no problems with its location on the above said property.

Sincerely yours,

David A. Dwyer
12009 Somerset Ave.
Glen Arm, MD 21057
Telephone No. 691-7548

PETITIONER'S EXHIBIT 5

90-11-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 10th day of May, 1989.

J. Robert Haines
Zoning Commissioner

Petitioner: Bernard H. Mass, III, at usceved by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 90-11-A
Item No. 465

Re: Bernard H. Mass, III, et al.

The Petitioners request a non-street setback of 33 feet in lieu of the required 50 feet. In reference to this request, staff offers no comment.

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 18, 1989

Mr. & Mrs. Bernard H. Mass, III
12003 Somerset Avenue
Glen Arm, MD 21057

RE: Item No. 465, Case No. 90-11-A
Petitioner: Bernard H. Mass, et al.
Petition for Zoning Variance

Dear Mr. & Mrs. Mass:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MISHANSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3593.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert M. Bouling, P.E.

RE: Zoning Advisory Committee Meeting for May 9, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 185, 460, 461, 463, 464 and 465. Comments for Item 355 (County Review Group) are attached and remain valid.

Robert M. Bouling
Robert M. Bouling, P.E., Chief
Developers Engineering Division

RWB:s

Encls.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

June 6, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 185, 355, 460, 461, 463, 464, and 465.

Very truly yours,

Michael S. Flannigan
Michael S. Flannigan
Traffic Engineer Assoc. II

MR/LW

May 2, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: Bernard H. Mass, III
Location: 12003 Somerset Road
Item No.: 465 Zoning Agenda: May 9, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/ter

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

May 12, 1989

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 465, Zoning Advisory Committee Meeting of May 9, 1989

Property Owner: Bernard H. Mass, III District 11

Location: SES Somerset Ave

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, conversion and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

() Prior to new installation of food service equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.

() A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Bureau of Air Quality Management, 494-3775, for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, multipool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil change are performed at this location, the method providing for the collection of waste oil must be in accordance with the State Department of the Environment.

() Prior to raising of existing structures, petitioner must contact the Division of Waste Management at 494-3775, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Any asbestos removed by a licensed hauler and can removed from the property or properly handled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3775.

() Soil percolation tests, have been conducted.

() The results are valid until _____.

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

() Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____.

() If not acceptable and must be repeated, this must be accomplished prior to conveyance of property and approval of Building Permit Application.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If installation of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others: prior to City Application approval location and evaluation by local septic system must be obtained.

J. Robert Haines
J. Robert Haines
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT